

Congressional committees—do not themselves have any legal effect. *See, e.g., Am. Hosp. Ass’n v. N.L.R.B.*, 499 U.S. 606, 616 (1991) (“Petitioner does not-and obviously could not-contend that this statement in the Committee Reports has the force of law, for the Constitution is quite explicit about the procedure that Congress must follow in legislating.”); *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 191 (1978) (“Expressions of committees dealing with requests for appropriations cannot be equated with statutes enacted by Congress”); *Thompson v. Cherokee Nation of Oklahoma*, 334 F.3d 1075, 1087 (Fed. Cir. 2003) (emphasizing that language in committee reports by Senate and House Appropriations Committees “is not binding”), *aff’d and remanded sub nom. Cherokee Nation of Oklahoma v. Leavitt*, 543 U.S. 631, 646 (2005) (“restrictive language contained in Committee Reports is not legally binding”).

Here, the committee report language cited in Plaintiffs’ motion is not itself law; nor has the bill to which it relates been passed by both houses of Congress or presented to the President. Accordingly, the language has no legal effect and provides no basis for this Court to reverse its prior ruling. Plaintiffs’ motion should once again be denied, and the Department of Education should be allowed to administer its contracts without further interference in this case.

July 18, 2018

Respectfully submitted,

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